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## North Coast Regional Water Quality Control Board

# Inspection Report for May 29, 2019, Consent Inspection of Trinity County Assessor's parcel number (APN) 016-200-17-00

### Property information

County: Trinity

Physical address: No physical address

APN: 016-200-17-00

Ownership: Rodney and Gayle Baker  
PO BOX 457,  
Hayfork, CA, 96041-0457

Size: 8.25 acres

Watershed: Trinity River Hydrologic Unit; South Fork Trinity River Hydrologic Area;  
Hayfork Valley Hydrologic Subarea (HU/HA/HSA 1106.25; Table 2-1,  
Water Quality Control Plan for the North Coast Region)

### Regulatory status with the Regional Water Board

Site Development:

- No record of permitting for site development

Applicable programs:

- Regional Water Board's Clean Water Act section 401 Water Quality Certification permit for dredge/fill activities in a surface water

Onsite activities/operations:

- No record of enrollment in any State or Regional Water Board regulatory program

Applicable programs:

- Regional or statewide cannabis order.
- Waste discharge requirements for discharge of waste to waters of the state.

[Note: cannabis plants were not being cultivated at the time of the May 29, 2019 inspection.]

### **Inspection information**

Date/time: May 29, 2019/midday

Type: Consent inspection

#### **Attendance:**

*North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff)*  
Brian Fuller (report author)

*California Department of Fish and Wildlife (CDFW)*  
Jacqueline Matthews  
Cori Hansen

*Property Owner*  
Gayle Baker  
Rodney Baker

*A potential cultivator invited by the property owners*

### **Background/Objective:**

Regional Water Board staff first inspected the Property on July 19, 2018; at that time, staff observed numerous features or conditions that were impacting or that threatened to impact water quality, including a watercourse that had been filled/covered with imported potting soil and other cultivation waste. CDFW inspected the property on September 12, 2018, and again on March 15, 2019, and documented in a May 14, 2019, notice of violation (NOV) (Enclosure 1) substantial discharges to receiving waters as a result of inadequate cleanup of the Property.

Following receipt of the May 14, 2019, NOV, Staff participated with CDFW in a consent inspection of the property on May 29, 2019. Objectives for staff during the inspection were to document current conditions on the site, and to assess whether the Property owners were making adequate progress in addressing impacts to the quality and beneficial uses of receiving waters.

**Property History:**

- Aerial image 1, shows the property had not yet been developed for cannabis cultivation on May 6, 2007.
- Rodney Baker and Gayle Baker purchased the Property on July 13, 2007.
- Aerial image 2, shows that some time between May 6, 2007, and May 24, 2009, timber clearing and grading had occurred.
- Aerial image 3, shows patterns indicating that cannabis cultivation was occurring on July 12, 2012, in the southern cultivation areas.
- Aerial image 4, shows patterns indicating that cannabis cultivation was occurring in the northern valley on August 12, 2015.

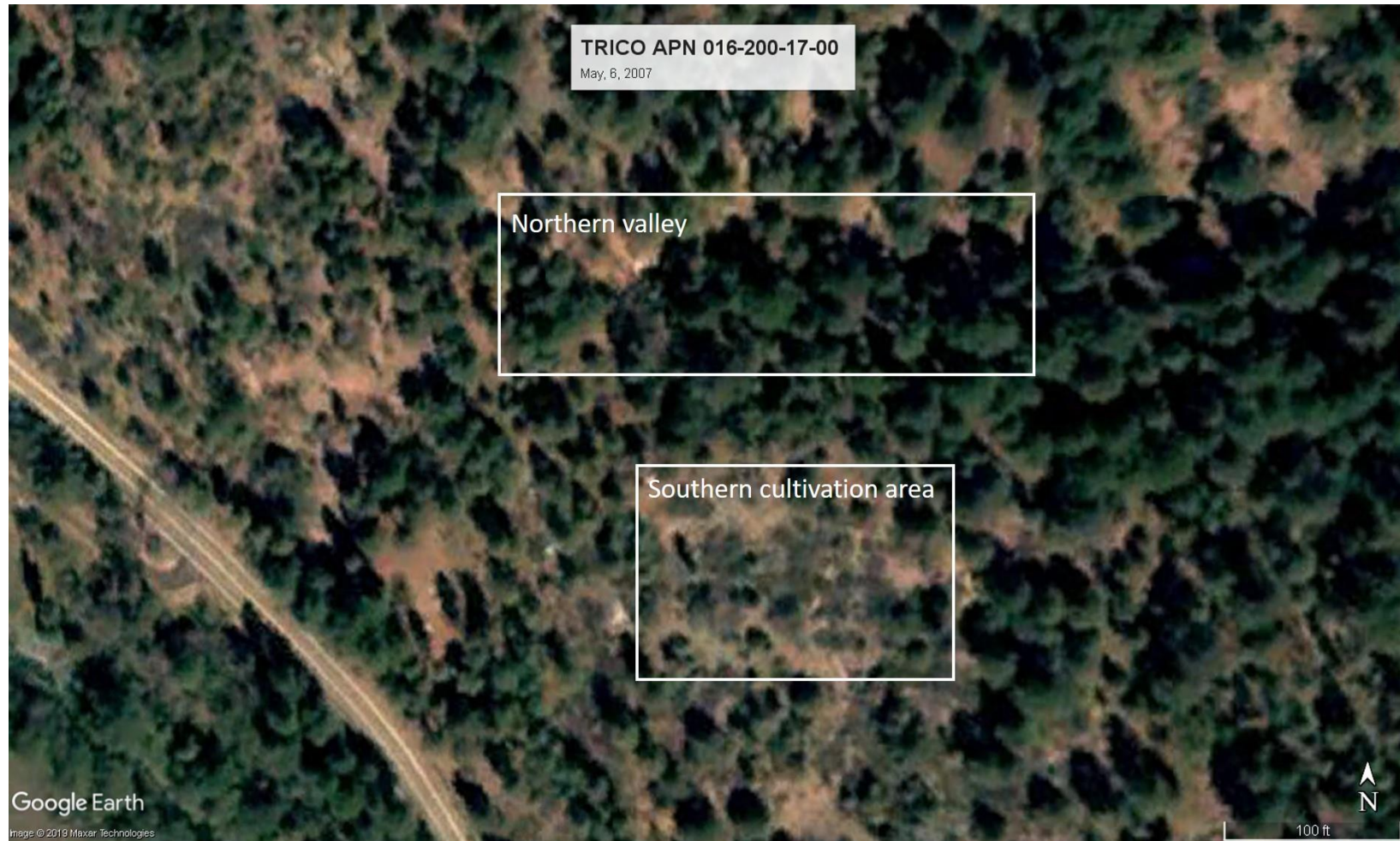


Image © 2019 Maxar Technologies dated May 6, 2007, accessed with Google Earth

aerial image 1 – shows the property prior to being developed for cannabis cultivation.





Image USDA Farm Service Agency, dated May 24, 2009, accessed with Google Earth

aerial image 2 – Same extent as aerial image 1 showing timber clearing and grading had occurred on the property.





Image dated July 10, 2012, accessed with Google Earth

aerial image 3 –Cannabis cultivation at the southern flats had been occurring since at least July 12, 2012.

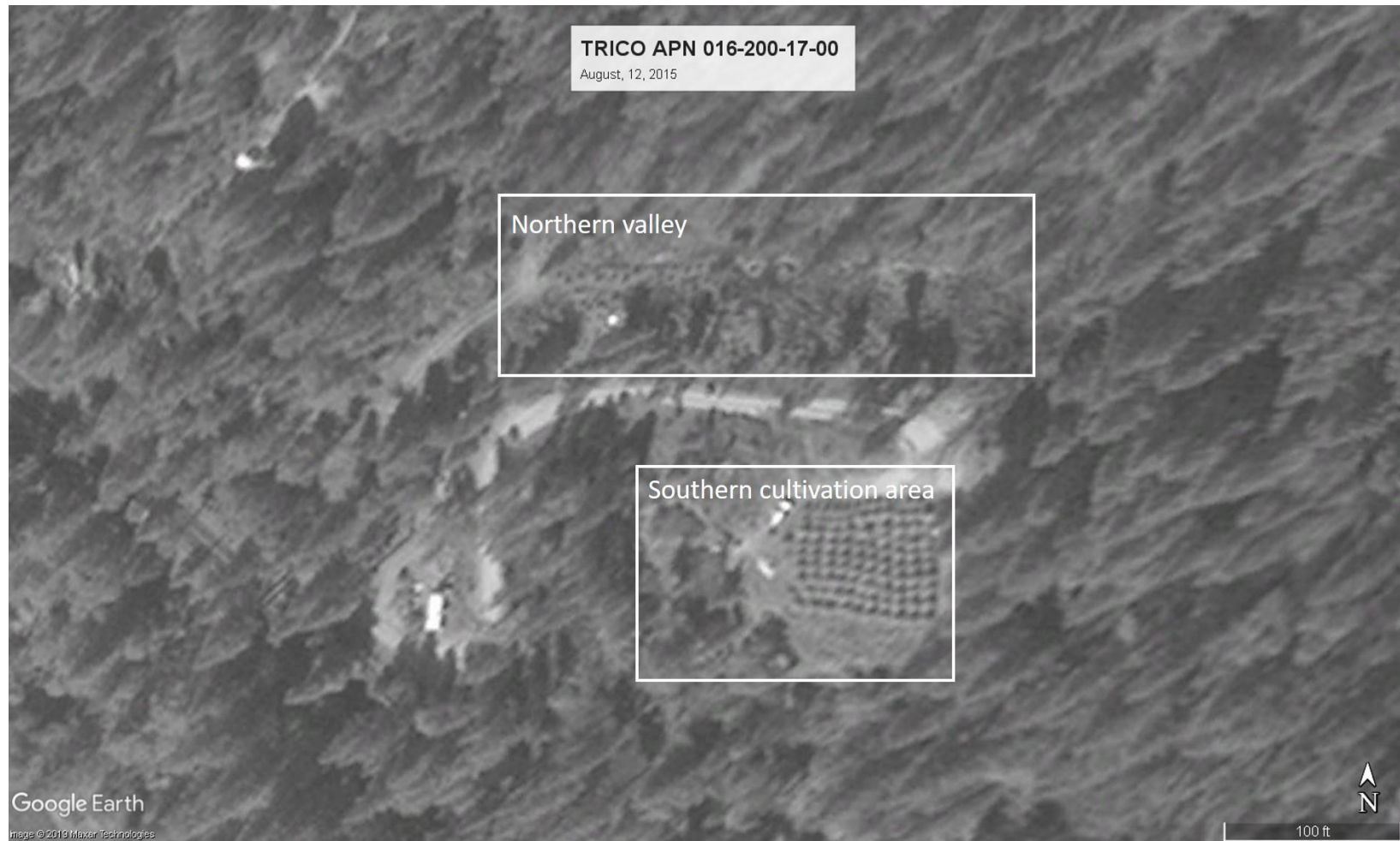
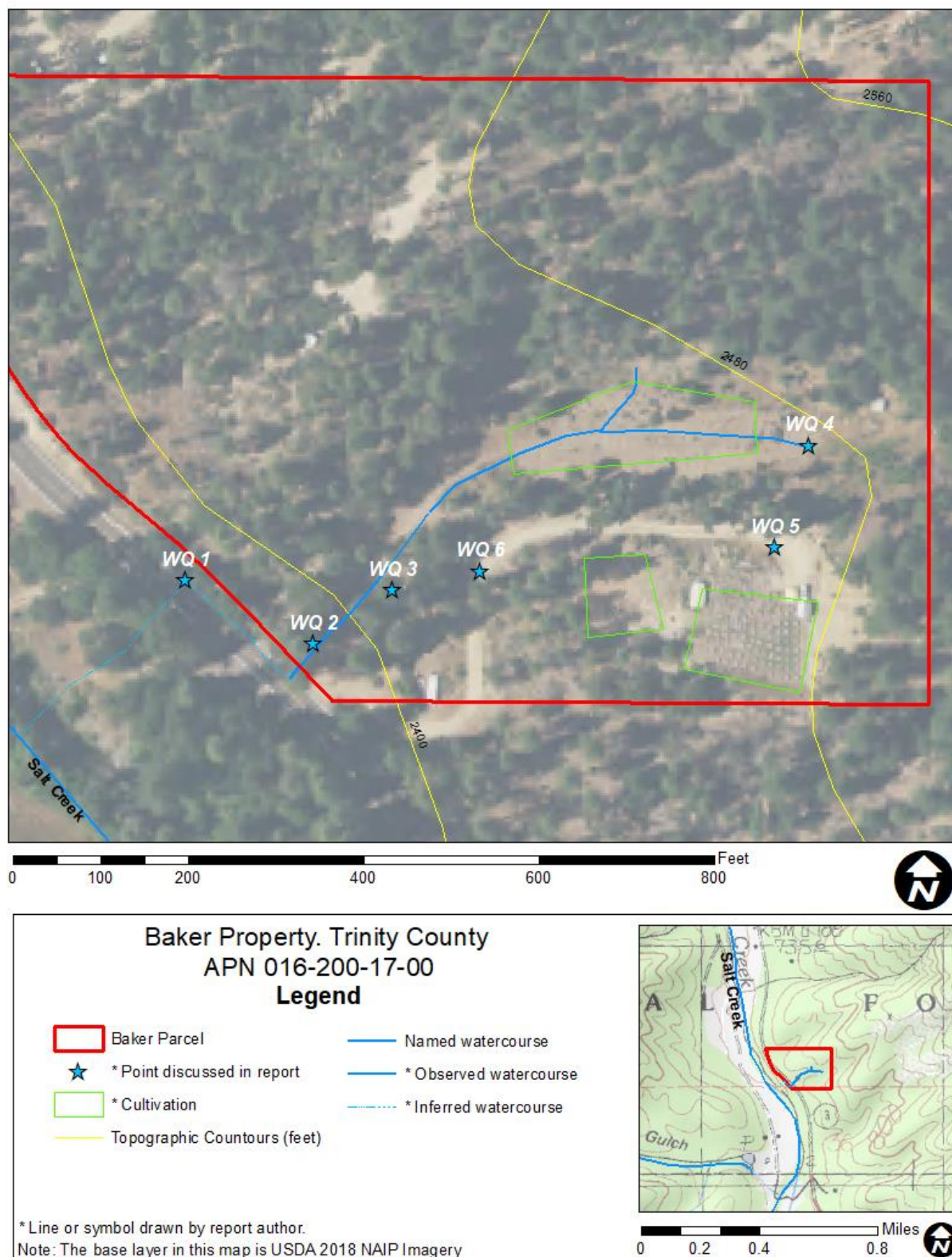


Image © 2019 Maxar Technologies dated August 12, 2015, accessed with Google Earth

aerial image 4 – Regularly spaced circles apparent in the northern valley suggest cannabis cultivation was occurring in this area.



## Inspection Maps



map 1. Includes reference points for features of water quality interest discussed below.



## **Inspection Observations**

Staff met with inspection participants at the property and walked to the drain carrying water below highway 3 located at WQ 1, (photo 1). Much of the evidence of imported potting soils reported in the CDFW May 14, 2019 NOV had faded; however, perlite was still visible in the roadside ditch a short distance upstream (photo 2) and continued onto the property. We proceeded to the well at WQ 2 (photo 3), which still did not have a sanitary seal. In the vicinity of the well, I observed lenticular lobes of fine sediment with perlite on the valley floor (photo 5). We observed a car (WQ 3) (photo 5) which had been in the watercourse since the July 19, 2018, inspection.

A short distance northeast of (WQ 3) the Valley trends more east-west. I observed much of the straw cover and potting soils had migrated from the valley walls towards the valley bottom (photo 6). A channel (photos 7 - 8), eight inches deep and one foot wide had incised along a 300-foot length of the valley thalweg, creating a void of approximately 200 cubic feet. I observed perlite and cannabis cultivation waste in the incised channel walls at a depth of 8 inches (photos 9 -11), suggesting that either the work performed prior to the wet-weather period or subsequent rain events had moved the waste into the valley bottom and later rain events mobilized the waste, transporting it downstream.

Staff walked upstream to a point there were no more visible imported potting soils, WQ4, and observed a sediment mixing tank with high concentration nutrients sitting on the ground nearby (photos 12 - 13). Staff then walked south to the southern cultivation area and observed rilling on the road WQ 5 (photo 14). In response to questioning about how much potting soil had been cleaned up, Rodney Baker directed me to the onsite location where the potting soils had been taken, WQ 6 (photos 15 - 16). I estimate that a pile no larger than ten feet long, five feet wide and two feet deep, with a maximum volume of 100 cubic feet had been collected. 2016 NAIP Aerial imagery presented in Regional Water Board's July 2018 inspection reports shows at least 100 planter boxes, averaging approximately 4 feet square and one foot deep suggests a volume of at least 1,000 cubic feet of imported potting soils in the valley.

We returned to the vehicles and I advised Mr. Baker that the cleanup work in the previous year was inadequate. Furthermore, given the large amount of waste that needed to be removed from the watercourse, the potential to create more discharges of waste to receiving waters and the requirement to obtain a water quality certification from the regional water board and permits from other regulatory agencies, I recommended the Bakers contact a qualified professional that could develop a restoration plan.

On July 3, 2019 I spoke with Gayle Baker on the phone. She told me that she had contacted Down River Consulting, however they had not saved enough money to pay for an initial site visit.

## Recommendations

1. Immediately, have a qualified professional install a sanitary seal on the well located at WQ 2 to prevent groundwater from being polluted.
2. Immediately, move the car at WQ3 to a location away from the watercourse.
3. Immediately, remove all plastic waste, and packages of fertilizers from valley or from where they can enter or be transported via wind or runoff to the valley.
4. Immediately, retain a qualified professional to develop a plan for removing the remaining cultivation-related waste, including imported potting soils, from the watercourse between WQ 2 and WQ 4 before October 15, 2019.
5. In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean Water Act section 401. For more information about Water Board permits that may apply to proposed site development or land use activities, refer to this link:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/permit/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/)

## Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

### **Selected Photos**



Photo Taken by: B. Fuller 29 May 2019

photo 1 – Drain carrying water below highway 3. Some deposited fine sediment is apparent at entrance to drain.



Photo Taken by: B. Fuller 29 May 2019

photo 2 – A short distance southeast of the drain pictured in photo 1, perlite is present in the roadside ditch.





Photo Taken by: B. Fuller 29 May 2019

photo 3 – Well covered with wood instead of a proper sanitary seal.



Photo Taken by: B. Fuller 29 May 2019

photo 4 – Potting soils deposited in valley.





Photo Taken by: B. Fuller 29 May 2019

photo 5 – Car being stored in watercourse.



Photo Taken by: B. Fuller 29 May 2019

photo 6 – Looking north across the valley. Note the u-shaped features towards the top of the image showing what is left of some of the cultivation beds. Also note the light-colored straw in the lower part of the image where the waste and ground cover had collected.





Photo Taken by: B. Fuller 29 May 2019

photo 7 – Looking downstream. Note the bottom ten-foot-width of the valley is covered with straw. Bottom one-foot width has an eight-inch deep incised channel.



Photo Taken by: B. Fuller 29 May 2019

photo 8 – Looking upstream. Note the incised channel extending from the center of the image to the lower right corner.





Photo Taken by: B. Fuller 29 May 2019

photo 9 –Watercourse incised into deposited potting soils, cultivation waste and other trash. Note scale that shows the trench is about 20cm deep.



Photo Taken by: B. Fuller 29 May 2019

photo 10 – Watercourse incised into deposited potting soils, cultivation waste and other trash. Note pot labeled with the cannabis plant variety "P cookie."





Photo Taken by: B. Fuller 29 May 2019

photo 11 – Watercourse incised into deposited potting soils, cultivation waste and other trash.



Photo Taken by: B. Fuller 29 May 2019

photo 12 – Fertilizer mixing tank, located about 50 feet north of WQ 4.





Photo Taken by: B. Fuller 29 May 2019

photo 13 – High-concentration potting soils stored on top of fertilizer mixing tank pictured in photo 12.



Photo Taken by: B. Fuller 29 May 2019

photo 14 – Road out sloped towards valley with rills running along the inside edge.





Photo Taken by: B. Fuller 29 May 2019

photo 15 – Trailer and frame of temporary building where potting soils from the valley were reported to have been placed. Note highway 3 in background of image and absence of cover on the temporary building.



Photo Taken by: B. Fuller 29 May 2019

photo 16 – Pile of potting soils inside of temporary building pictured in photo 15.